IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 73 OF 2006

in

REVIEW PETITION. 37 OF 2004

in

SUMMONS FOR JUDGMENT NO.444 OF 2002

in

SUMMARY SUIT NO.2019 OF 2001

Shyam B.Seernani .. Petitioner

versus

M/s Mascot Enterprises & Ors .. Respondents

Mr.Brijesh Upadhyay i.b Vinod Mistry & Co for Petr.

Mr.Avinash Joshi i/b Mulla & Mulla Cr. Bl.& Co for

Respt nos.1,2 & 3.

CORAM : D.G.KARNIK, J

DATED: 19th April, 2006

P.C.

1. Heard learned counsel for the petitioner and respondent nos. 1 to 3. Learned counsel for the petitioner submits that respondent nos. 4 and 5 have been served and the affidavit of service has been filed.

2. No affidavit in reply has been filed by any of

the respondents. However, learned counsel for the respondent nos.1, 2 and 3 states that delay may be condoned subject to payment of costs. Accordingly, motion is allowed and delay is condoned subject to payment of costs of Rs.2000/- to the respondent nos. 1 2 and 3. Costs shall be paid within four weeks failing which the motion shall stand dismissed.

(D.G.KARNIK, J)

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